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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/668,678	09/22/2000	S. SEAN MOORE	UV-160	2219

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NEW YORK, NY 10020-1105

EXAMINER

USTARIS, JOSEPH G

ART UNIT	PAPER NUMBER
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2611

DATE MAILED: 05/24/2004

9

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/668,678

Applicant(s)

MOORE ET AL.

Examiner

Joseph G Ustaris

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-84 is/are pending in the application.
- 4a) Of the above claim(s) 1-10, 13-38, 41-66, and 69-84 is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 11, 12, 39, 40, 67, and 68 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☒ Claim(s) 1-10, 13-38, 41-66 and 69-84 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 5, 7, 8.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Election/Restrictions

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - I. Claims 1-6, 18-20, 22-24, 29-34, 46-48, 50-52, 57-62, 74-76, and 78-80, drawn to a general electronic program guide (EPG), classified in class 725, subclass 39.
 - II. Claims 11, 12, 39, 40, 67, and 68, drawn to displaying additional information, classified in class 725, subclass 40.
 - III. Claims 7-10, 35-38, and 63-66, drawn to displaying additional information pertaining to advertisements or commercials, classified in class 725, subclass 42.
 - IV. Claims 21, 49, and 77, drawn to a method of arranging content based on category, classified in class 725, subclass 45.
 - V. Claims 13-17, 25-28, 41-45, 53-56, 69-73, and 81-84, drawn to navigational features within an EPG, classified in class 725, subclass 52.

The inventions are distinct, each from the other because of the following reasons:

Inventions I-V are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. See MPEP § 806.05(d).

In the instant case, invention of Group I has separate utility such as enhancing the GUI in the personal computer art.

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Furthermore, invention of Group II has separate utility such as enhancing the GUI in the personal computer art.

Furthermore, invention of Group III has separate utility such as providing advertisements within an Internet browser in the personal computer art.

Furthermore, invention of Group IV has separate utility such as providing a list of applications by category in the personal computer art.

Lastly, invention of Group V has separate utility such as enhancing the GUI in the personal computer art.

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

During a telephone conversation with Philip Poh on 10 May 2004 a provisional election was made WITHOUT traverse to prosecute the invention of Group II, claims 11, 12, 39, 40, 67, and 68. Affirmation of this election must be made by applicant in replying to this Office action. Claims 1-10, 13-38, 41-66, and 69-84 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 11, 12, 39, 40, 67, and 68 are rejected under 35 U.S.C. 102(e) as being anticipated by Schein et al. (US006151059A).

Regarding claim 11, Schein et al. (Schein) discloses an interactive electronic program guide (IEPG) that has a scrollable schedule information area or “sliding navigational paradigm” (See Fig. 1 element 106). The schedule information area has a number of cells that depicts the shows that are being presented at that day and time or “having a number of display elements” or “providing a first display of display elements” (See Fig. 1 element 108). The schedule information area informs the user of the IEPG that additional information or programs or “additional display elements” are available to view by cutting off each cell or “using cutoffs”, i.e. cells MTV News, Wings of Desire, The Real World, and Terminator II (See Fig. 1 element 106). The user can scroll or “slide” the schedule information area by clicking on the scroll right/left zones or “indicate a desire to access the additional display elements” (See Fig. 7 and 9). When the user clicks one of the scroll right/left zones, i.e. scroll right zone, the schedule information area scrolls out the 7:00-7:30pm time slot or “sliding out the first display” and scrolls in

the 8:00-8:30pm time slot or "sliding in a second display... while sliding out the first display" (See Fig. 1, 7, and 9; column 11 lines 45-57).

Regarding claim 12, the additional information is future programs or shows or "program listings" (See Fig. 1, 7, and 9; column 11 lines 45-57).

Claim 39 contains the limitations of claim 11 (wherein the IEPG performs the method) and is analyzed as previously discussed with respect to that claim.

Claim 40 contains the limitations of claims 12 and 39 and is analyzed as previously discussed with respect to those claims.

Claim 67 contains the limitations of claim 39 (wherein the system includes a remote control or "user input device" (See column 6 lines 60-67), television screen or computer monitor or "a display device" (See column 3 lines 45-55), and inherently "control circuitry") and is analyzed as previously discussed with respect to that claim.

Claim 68 contains the limitations of claims 40 and 67 and is analyzed as previously discussed with respect to those claims.

Conclusion

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Please take note of Alexander et al. (US006177931B1) for their similar methods of providing scrolling or "sliding" navigational features.

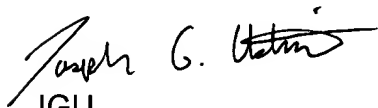
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph Ustaris whose telephone number is (703) 305-

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0377. The examiner can normally be reached on Monday-Friday with alternate Fridays off from 7:30 A.M. to 5:00 P.M.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Faile, can be reached on (703) 305-4380. The fax phone number for this Group is (703) 872-9306.

Any inquiry of general nature or relating to the status of this application or proceeding should be directed to the Group Receptionist whose telephone number is (703) 305-4700.



JGU

May 12, 2004



VIVEK SRIVASTAVA
PRIMARY EXAMINER